

AE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANGEL THOMAS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 05 C 4117
)	
CITY OF HARVEY, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court's July 20, 2005 memorandum order (a copy of which is attached) took the unusual step of deferring action on the In Forma Pauperis Application ("Application") that had been filed by Angel and Jacqueline Thomas ("Thomases") "because it is extraordinarily difficult to tell from Thomases' lengthy and sprawling narrative whether any viable federal claim can be teased out of its assertions." After two false starts in seeking to obtain pro bono counsel from this District Court's trial bar to represent Thomases, Christopher Sheean of the Wildman, Harrold firm was appointed to do so. At the October 25, 2005 status hearing attorney Sheean, who has obviously given serious consideration to Thomases' claims, advised that he is planning to file an amended complaint on their behalf and has therefore held off on serving the defendants (and thus triggering their obligations to file responsive pleadings) until he does so. This Court then set a next status hearing time and date for 9 a.m. December 20, 2005.

Under the circumstances this Court grants the Application. Because it is doing so in the absence of the Thomases' amended complaint, this action is being taken without prejudice to its possible reconsideration as and when that amended complaint is forthcoming.

A handwritten signature in cursive script, reading "Milton I. Shadur", written over a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: November 3, 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANGEL THOMAS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 05 C 4117
)	
CITY OF HARVEY, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Angel and Jacqueline Thomas ("Thomases") have submitted a lengthy handwritten Complaint against the City of Harvey, Fox 32 News and the City of Dolton, coupled with an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion").¹ Although Thomases have made a proper showing of their inability to pay the \$250 filing fee, any granting of in forma pauperis status also requires that the plaintiffs advance some non-frivolous claim in the legal sense defined by Neitzke v. Williams, 490 U.S. 319, 325 (1989) and refined in Denton v. Hernandez, 504 U.S. 25, 32-33 (1992). That poses a problem here, because it is extraordinarily difficult to tell from Thomases' lengthy and sprawling narrative whether any viable federal claim can be teased out of its assertions.

Under the circumstances the best resolution appears to be to defer ruling on the Application at this time, but to grant the

¹ Both the Application and the Motion are on forms provided by this District Court's Clerk's Office, with Thomases' handwritten fill-ins.

motion even though Thomases have not provided the information requested in the Motion as to their efforts to retain counsel on their own. That course of action is preferable to denial of the Application, because the Complaint begins by referring to an August 8, 2003 incident that could be barred by limitations as a basis for a possible 42 U.S.C. §1983 claim if the case were not kept alive.

Accordingly the pro bono counsel appointed from this District Court's trial bar to represent Thomases is:

Barry E. Fields, Esq.
Kirkland & Ellis
200 East Randolph Drive
Chicago IL 60601
312.861.2081

This matter is set for a status hearing at 9 a.m. on August 22, 2005, at which time appointed counsel will be expected to apprise this Court as to whether, based on counsel's conference with Thomases and any appropriate research, any colorable federal claim appears to exist here.



Milton I. Shadur
Senior United States District Judge

Date: July 20, 2005